

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

E-P INTERNATIONAL DISTRIBUTION INC., a Barbados corporation,)	
)	
Plaintiff,)	8:07CV186
)	
vs.)	ORDER
)	
SAV-RX LLC, and)	
)	
Defendant,)	
)	
A&A DRUG COMPANY, INC.,)	
)	
Defendant and)	
Third-Party Plaintiff,)	
)	
and)	
)	
JAMES BARTA,)	
)	
Intervenor,)	
)	
vs.)	
)	
BARBARA RIGBY and)	
MALCOLM RIGBY,)	
)	
Third-Party Defendants.)	

This matter is before the court on James Barta's Motion for Leave to Intervene (Filing No. 55). Mr. Barta seeks leave to intervene pursuant to Federal Rules of Civil Procedure 24(a) and 24(b), as of right or permissively. Mr. Barta attached the proposed Complaint in Intervention to his motion. Mr. Barta states the plaintiff does not oppose the motion. Mr. Barta is affiliated with the defendants as he is the President and sole shareholder of A&A Drug Company, Inc. and the sole member of SAV-RX LLC. Mr. Barta is also a one-third shareholder of the plaintiff. The plaintiff's complaint arises from an allege breach of an agreement between the plaintiff and the defendants. **See** Filing No. 45. Mr. Barta alleges the plaintiff has failed to pay him or A&A Drug Company, Inc. certain

funds due to them under the agreement. **See** Filing No. 55-2. The defendants have also filed a Third-Party Complaint against Barbara Rigby and Malcolm Rigby, who together were a one-third shareholder of the plaintiff, based on similar allegations as contained in the Intervenor Complaint. **See** Filing No. 56. Upon consideration,

IT IS ORDERED:

1. James Barta's Motion for Leave to Intervene (Filing No. 55) is granted.
2. James Barta shall have to or until **June 12, 2008**, to file the Intervenor Complaint.

DATED this 5th day of June, 2008.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge